

REMARKS

Response to Claim Rejections - 35 U.S.C. § 103

Claims 1 and 5-8 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sugino et al. (JP 2003-313330, Examiner's translation) in view of Konuma (JP 05309799 A, machine translation) and Tritsch (US 3088848), and in further view of Watanabe et al (US 5795650).

Applicants respectfully traverse and submit that the rejection should be withdrawn for the following reasons.

(1) In the last paragraph of page 4 of the Office Action, the Examiner asserts that Konuma teaches a surface protection film comprising an outer layer (claim 1) formed of a 40:100 weight ratio (approx 70 parts per 100 parts HDPE/LDPE) of HDPE having a density of 0.954 g/cm³ to LDPE having a density of 0.928 g/cm³ (para 0020). However, the underlined density of LDPE is 0.920 g/cm³. Paragraph 0020 of Konuma discloses that the subject LDPE has a density of 0.920 g/cm³.

The significance of the density of LDPE in the mixture of LDPE and HDPE in the ratio of 40:100 being 0.920 g/cm³ is as follows.

There are many errors in paragraph 0020 of the machine translation of Konuma relied upon by the Examiner. Paragraph 0020 of the machine translation is reproduced below:

[0020]As resin of the inner layer 21 of the substrate film 2, HDPE of density 0.954, The mixture (density 0.930; embodiment 2) of 40:100 is used for LDPE (embodiment 1) of density 0.928, and this HDPE and LDPE of density 0.920 by a weight ratio as resin of the outer layer 22, So that it may be set to 20 micrometers in thickness, so that the inner layer 21 may turn into 35 micrometers and 22 5 micrometers of outer layers, [as the adhesive layer 3] [an ethylene-vinyl acetate copolymer (30% of acetic acid vinyl content)] The result of having investigated the generation state of the sharkskin of the surface protection film 1 obtained by carrying out co-extrusion molding by the inflation method and the T Di method, respectively is shown in Table 1.

However, the machine translation of paragraph 0020 of Konuma is erroneous.

The density of the mixture of HDPE and LDPE in the ratio of 40:100 in the outer layer of Example 2 (embodiment 2) is 0.930 g/cm³, as shown in Table 1.

[0022]
 [Table 1]

		使 用 原 料		シヤークスキン発生の有無	
		内層 (密度)	外層 (密度)	インフレーション	T 型
実 施 例	1	HDPE (0.954)	LDPE (0.928)	無し	無し
	2	HDPE (0.954)	LDPE + HDPE (0.930)	無し	無し
比 較 例	1	HDPE (0.954)	LDPE + HDPE (0.933)	有り	有り
	2	HDPE (0.954)	HDPE (0.951)	有り	有り
	3	LDPE (0.918)	HDPE (0.951)	有り	有り

But the density of the mixture of HDPE (density 0.954) and LDPE (density 0.928) in the ratio of 40:100 is not equal to 0.930 g/cm³. It is clear that the density of the mixture is larger than 0.930 g/cm³.

Applicants provide a correct English translation of paragraph 0020 of Konuma below.

By using HDPE of density 0.954 as resin of the inner layer 21 of the substrate film 2 and LDPE of density 0.928 as outer layer 22 of the substrate film 2 (Example 1), and by using HDPE of density 0.954 as resin of the inner layer 21 of the substrate film 2 and the mixture of HDPE of density 0.954 and LDPE of density 0.920 as outer layer 22 of the substrate film 2 (density 0.930; Example 2), the surface protect films 1 were obtained by carrying out co-extrusion molding by means of the inflation formation method or the T die method respectively to form the inner layer 21 having a thickness of 35 μm and the outer layer 22 having a thickness

of 5 μm , and further the pressure-sensitive adhesive layer 3 of the ethylene-vinyl acetate copolymer (vinyl acetate content 30%) having a thickness of 20 μm . The results of the investigation of the generation state of the sharkskin on the surface protect film 1 are shown in Table 1.

Accordingly, the Examiner's interpretation of Konuma set forth on page 4 of the Office Action is in error, and Konuma does not teach or suggest polyethylene resins having the density ranges as recited in claim 1.

(2) Konuma discloses a surface protection film having a substrate film consisting of two layers of an outer layer, an inner layer laminated by this outer layer, and a pressure-sensitive adhesive layer formed on one surface of the substrate film, wherein the density of a resin as the inner layer is larger than the density of a resin as the outer layer, wherein the density of the resin as the outer layer is not more than 0.930, and wherein the pressure-sensitive adhesive layer is laminated on the surface of the inner layer.

Thus, the substrate film of Konuma includes two layers of an outer layer and an inner layer laminated by this outer layer. In contrast, the substrate film of the present invention is one layer laminated by this outer layer. Accordingly, the substrate film of Konuma is different from the substrate film of the present invention, and one of ordinary skill in the art reading Konuma would not have achieved the present invention on the basis of Sugino, Konuma, Tritsch, and Watanabe as alleged.

(3) Sugino discloses a polyolefin-based resin laminated film, wherein a coating film layer containing an acrylic modified urethane resin is laminated onto at least one surface of a polyolefin-based resin substrate film, and the ratio of the tensile modulus of the coating film layer (JIS K7127) to the tensile modulus of the substrate film (JIS K7127), *i.e.*, the tensile modulus of the coating film layer / the tensile modulus of the substrate film, is 1 to 4.5.

In contrast, the substrate film of the present invention is one layer. The substrate film of the present invention does not contain a coating film layer containing an acrylic modified urethane resin.

Accordingly, the substrate film of Sugino is different from the substrate film of the present invention, and one of ordinary skill in the art reading Sugino would not have achieved the present invention on the basis of Sugino, Konuma, Tritsch, and Watanabe as alleged.

(4) Tritsch discloses, *e.g.*, at claim 1, a pressure-sensitive adhesive tape comprising a differential roll speed calendared molecularly oriented polyethylene film backing and a pressure-sensitive adhesive mass on at least one side thereof, said backing comprising a blend of high density polyethylene having a density of from about 0.95 to about 0.98 and low density polyethylene having a density of about 0.92 wherein said high density polyethylene is present in an amount from about 5% to less than about 20 percent of the blend.


In contrast, the density of LDPE of the present invention is 0.923 to 0.933 g/cm³. Accordingly, the density of LDPE of the present invention is different from the density of LDPE of Tritsch, and one of ordinary skill in the art reading Tritsch would not have achieved the present invention on the basis of Sugino, Konuma, Tritsch, and Watanabe as alleged.

In view of the above, it is submitted that claims 1 and 5-8 are patentable over the cited art. Reconsideration and withdrawal of the rejection are respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,



Jerick J. Ho
Registration No. 63,763

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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